

### **REMARKS**

This paper responds to the Office Action mailed on January 9, 2009. Claims 11-23 remain pending in the application. All the claims stand rejected under 35 U.S.C. § 112 and § 103. A detailed response to these rejections, subject to the reservations of rights noted below, follows.

#### **Response to §112 Rejections**

Claims 11-23 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking adequate description or enablement for “translation into one or more languages,” performing “windows based GUI manipulations,” “phoneme based translations and/or parsing of different languages,” and “details for generating different windows or the programming necessary to implement such details.”

In response, applicant submits respectfully that the specification provides proper description and enablement of the noted features. The specification teaches windows and associated functionality at paragraphs 42-44, for example. It teaches translation into multiple languages and phoneme elements at paragraphs 74-88, for example.

Further, applicant respectfully draws the Examiner’s attention to MPEP § 2106(V)(B), which, in part, states “software aspects of inventions, for example, may be described functionally.” Thus, there is no requirement to provide details of the actual programming to provide adequate enablement of software related inventions.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §112, first paragraph rejections.

#### **Response to §103 Rejections**

Claims 11-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Jeppesen (U.S. Patent No. 4,924,387) in view of CaseView ([CaseView Reference Manual](#), Stenograph Corporation, (1992)), and Toma (U.S. Patent 4,706,212). In response, applicant submits respectfully that one of skill would not regard the proposed combination, even if permissible, as meeting all the requirements of the rejected claims.

For example, claims 11-17 require an act of “converting, in real time, said representations to text in the first language.” The Action cites *Jeppeson* col.7, line 64- col. 8, line 3 as meeting or suggesting this requirement. However, one of skill would recognize that this passage concerns voice recognition to aid in identifying a speaker, indicating when the speaker is speaking too fast, or to indicate when more than one speaker is speaking, not to convert stenographic representations of words to text. The cited passage states:

Turning now to FIGS. 8 and 9, the logic is shown therein for a feature may, optionally, be included in a future possible embodiment of the present invention -- voice recognition. This is well within the developing state of the art and the speed of modern personal computers and, therefore, may be employed for two purposes. First, to allow the automatic indication, on the record, of the person speaking at any time thus removing this chore from the duties of the court reporter. Second, to check for multiple speakers and provide an alarm condition to the parties as in the case of too rapid speaking.

Given that the cited *Jeppeson* passages concerns voice recognition of audio signals, one of skill would recognize that it does not teach conversion of the stenographic representations to text.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejection of claims 11-17.

In the event the Examiner disagrees with applicant's understanding of the cited art in relation to the claims, applicant requests respectfully that the Examiner initiate a telephonic interview with applicant's undersigned patent counsel in this matter.

Claims 18-23 also distinguish from the proposed combination. (Applicant does not admit that the proposed combination is permissible.) For example, claims 18-23 require “means for converting, in real-time, the representations to text in the first language.” As noted, the Action incorrectly relies on *Jeppeson*'s usage of voice recognition as meeting this requirement. *Jeppeson* reports usage of voice recognition to process audio signals for the purposes of identifying speakers and speaker collision. One of skill would not equate this with converting received representations of spoken words to text.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejection of claims 18-23.

### **Reservation of Rights**

In the interest of clarity and brevity, applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### CONCLUSION

In view of these remarks, applicant requests respectfully that the Examiner reconsider and withdraw all the rejections. Further, applicant invites the Examiner to initiate a telephonic interview with its representative at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 349-9593

Date July 9, 2009

By/

  
Eduardo E. Drake

Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2009.

CHERYL L. DANKERS

Name

/Cheryl L. Dankers/

Signature